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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th December, 1998:—

I

BILL No. XXXVIII OF 1998

A Bill to provide for the promotion of the business interests of the mango growers of the Vizianagaram, Krishna, Guntur, Vishakhapatnam, Chittore etc. regions in Andhra Pradesh and other areas of the country by giving them incentives and facilities like packaging and marketing for their mango crops and the requisite fertilizers and insecticides at subsidised rates and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mango Growers of Andhra Pradesh and other Areas (Marketing and other Facilities) Act, 1998.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, —

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "fund" means Mango Fruit Crop Insurance Fund established under section 5;

(c) "natural calamity" includes cyclone, drought, hailstorm, storm and rainfall in excess capable of damaging the mango crops;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "scheme" means Insurance scheme for Mango Crop framed under section 3.

Central Govt.
to frame Mango
Fruit Crop
Insurance
Scheme.

3. The Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, frame a scheme to be known as Mango Fruit Crop Insurance Scheme for comprehensive and compulsory insurance of mango fruit crop against natural calamities.

Scheme to be
administered by
Central Govt.

4. The Scheme shall be administered by the Central Government with the cooperation of the State Government in such manner as may be prescribed.

The Mango
Fruit Crops
Insurance
Fund.

5. The Central Government shall, in consultation with the concerned State Governments and by notification in the Official Gazette, establish a Mango Fruit Crop Insurance Fund comprising—

- (a) grants made to the fund by the Central and the State Governments;
- (b) premium amounts received from Mango fruit growers;
- (c) money received as donations to the fund; and
- (d) income from investment of the amounts of the fund.

Central Govt.
to compensate
the losses of
mango growers.

6. (1) The Central Government shall compensate the losses suffered by every mango grower of Andhra Pradesh and other areas of the country due to any natural calamity in such manner as may be prescribed.

(2) The compensation under sub-section (1) shall be paid from the fund.

Facilities to the
Mango
growers.

7. It shall be the responsibility of the respective appropriate Government to provide the mango growers of the regions and areas within their jurisdiction facilities like:—

- (a) packaging materials such as boxes, carton and related materials at reasonable rates;
- (b) marketing facilities so as to enable them to fetch remunerative prices for their mango crops;
- (c) cheap transport facilities to enable them to sell their mango crops outside the region or State, as the case may be, for remunerative prices;
- (d) subsidised insecticides, pesticides and necessary manure and fertilizers;
- (e) interest free loan from the banks for setting up or expanding Mango orchards;
- and
- (f) such other incentives as may be prescribed.

Appropriate
Govt. to give
incentives for
the food
processing
sector.

8. The appropriate Government shall give special incentives and concessions to the mango based food processing industries which may be set up in Andhra Pradesh and other areas of the country in such manner as may be prescribed.

Act to supple-
ment other
laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make
rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Farmers of Vizianagaram, Krishna, Guntur and Visakhapatnam in Andhra Pradesh and other areas particularly in Bihar, Uttar Pradesh and West Bengal etc. grow mangoes in a big way because agriculture in these areas depend on rain. As a result more and more farmers are opting for mango growing and trying to own orchards for this purpose as there is great demand of mangoes for domestic market and for export. Andhra Pradesh has become famous internationally for its mangoes and the production of the mangoes has increased manifold there. Of late, mango growing has proved to be a booming source of income for the hardworking and poor farmers of the areas.

The mango growers all over the country are facing innumerable hardships. First of all, their mango crops are damaged by various natural calamities. Then packing of mangoes has become a major problem for them because earlier they used to pack the mangoes in wooden boxes but due to total ban on cutting of trees in order to save jungles, the wood has become scarce and boxes are not available. If the boxes are available, they are very costly. The alternative is cardboard cartons and plastic packing materials but apart from being costly they damage the mangoes very soon. However, even these packing materials are not readily available to the mango growers. Marketing and transportation of mangoes is other hurdle as a result they are exploited by middle men and the whole sellers. For instance best quality mangoes are sold at throw away prices in Vizianagaram whereas the same mangoes fetch handsome prices in Delhi and elsewhere. But transportation facilities come in the way of the poor mango growers.

To get rid of these problems of mango growers, it has been suggested in this Bill to insure the mango crops against natural calamities and losses be compensated therefrom. The Central and the State Governments should provide packaging materials at reasonable rates alongwith marketing and transport facilities so as to enable them to get remunerative prices for their produce. Establishment of mango based Food Processing Industries should be encouraged by giving special incentives and concession in these areas. If these steps are taken, it is felt that it will give immense benefits to the mango growers of Andhra Pradesh and other areas of the country.

Hence this Bill.

DR. Y. LAKSHMI PRASAD.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of the Mango Fruit Crop Insurance Fund. Clause 6 provides that the Central Government will compensate the losses of mango growers. Clause 7 provides for various incentives for the mango growers. The Bill, if enacted and brought into force, will involve expenditure from the Consolidated Fund of India. It is estimated that it may involve a recurring expenditure of about one hundred crore rupees per annum.

It is also likely to involve a non recurring expenditure of about rupees five crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is, therefore, of normal character.

II

BILL No. XXXVI OF 1998

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1998.

Amendment of
article 269.

2. In article 269 of the Constitution, in clause (1), after sub-clause (f), the following sub-clause shall be inserted, namely:—

“(fa) taxes on advertisements broadcast by radio or television;”.

Amendment of
article 270.

3. In article 270 of the Constitution, in clause (4), for sub-clause (a) the following sub-clause shall be substituted, namely:—

“(a) “taxes on income” includes a corporation tax;”.

4. For article 271 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 271.

“271. Notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge and such percentage of the net proceeds in any financial year of any surcharge on any duty or tax, as may be prescribed, shall be distributed among the States in such manner as may be recommended by the Finance Commission constituted under article 280.”

Surcharge on certain duties or taxes to be distributed between the Union and the States.

5. After article 272 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 272A

“272A. Custom duty shall be levied and collected by the Government of India and such percentage of the net proceeds of such duty shall be distributed among all the States in such manner as Parliament may by law determine.”

Customs duty to be distributed between the Union and the States.

6. For article 280 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 280.

“280. (1) The President shall, within two years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary, by order constitute a Finance Commission.

Finance Commission.

(2) The Commission shall consist of,

(a) a Chairman to be appointed by the President;

(b) one representative from each State to be nominated by the Governor of that State; and

(c) such number of experts from various fields as may be appointed by the President.

(3) Parliament may by law determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.

(4) It shall be the duty of the Commission to make recommendations to the President as to,—

(a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter and the allocation between the States of respective shares of such proceeds;

(b) the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India:

Provided that the Commission shall, while making recommendations under sub-clause (a) and (b), take into consideration the agricultural industrialisation, availability of infrastructure and geographical complexity of a State.

(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;

(d) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;

(e) any other matter referred to the Commission by the President in the interests of sound finance.

(5) The Commission shall submit its recommendations to the President within a period of one year from the date of its constitution.

(6) The Commission shall determine its procedure and shall have such powers in the performance of its functions as Parliament may by law confer on it.

Amendment of
Seventh
Schedule.

7. In the Seventh Schedule to the Constitution, List I—Union list, after entry 92B, the following entry shall be inserted, namely:—

“92C Taxes on advertisements broadcast by radio or television.”.

STATEMENT OF OBJECTS AND REASONS

The resources allocated to the States, under the present dispensation, are not adequate to enable them to discharge their responsibilities.

The resources of States are relatively inelastic. The tax-base is also very narrow. Sales tax alone, and to a lesser extent, State excise duties, exhibit some degree of elasticity, which, again, hurts the interests of the common man.

The Constitution has assigned to the States the responsibility for building up vital social and industrial infrastructure, which is an essential pre-requisite for rapid socio-economic development. The States are responsible for rural development, education, medical and public health facilities, welfare of Scheduled Castes and Scheduled Tribes, etc. Further, they have to spend large sums on the development of roads, generation and distribution of power, etc. which are essential for industrial development. These responsibilities, particularly the creation of social infrastructure, involve large investments which do not yield immediate or direct returns. The maintenance cost of the social and economic infrastructure has also increased by leaps and bounds. Apart from that expenditure, on non-developmental activities like maintenance of law and order has also increased enormously, particularly in the wake of emergence of fissiparous tendencies and divisive forces. Over the years the general administrative costs have risen steadily and they form a large part of the States expenditure. Continuing inflation has made the situation worse. Faced with high cost of administration and inflation, the gap between the resources and needs of the States continue to widen, resulting in dependence of the States on the Centre indicating the built-in weaknesses in the existing system. There is, therefore, an urgent need to remove the weaknesses in financial relations between the Union and the States.

It is felt that there is a need to restructure the financial relations between the Union and States in order to (a) enable the States to discharge their responsibilities properly, and (b) to ensure correspondence between their obligations and resources.

The Bill seeks to achieve the above objectives.

C. RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that experts from various fields shall also be associated with the Union Finance Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of additional expenditure to be incurred regarding salaries and allowances, to experts, etc. It is estimated that an annual expenditure of about rupees three lakh is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one lakh is also likely to be involved.

III

BILL NO. XXXII OF 1998

A Bill to provide for the establishment of the Crop Insurance Corporation for the purpose of undertaking the business of crop insurance so as to protect the interest of farmers from loss due to unavoidable causes and also as a support measure to promote increased food and agricultural production.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Crop Insurance Corporation Act, 1998.

Short title and
commence-
ment.

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act for different States or for different parts thereof.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(a) “Board” means the Board of Directors constituted under section 7;

(b) "Corporation" means the Crop Insurance Corporation of India set up under Section 3;

(c) "Crop" means and includes paddy, wheat, gram, barley, millet, corn, potato, pulses, sugarcane and also includes commercial crops viz. cotton, chillies, tobacco and spices, tea, coffee and such other commodities which may be notified, from time to time, by the Central Government in the Official Gazette;

(d) "Crop Insurance" means and includes insurance against loss of the insured crop due to unavoidable causes, including drought, flood, hail, wind, frost, lightning, fire, excessive rain, snow, wild life; insect infestation, plant disease and such other unavoidable causes as may be prescribed;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Scheme" means Crop Insurance scheme formulated under Section 13.

CHAPTER II

THE CROP INSURANCE CORPORATION OF INDIA

Crop Insurance Corporation of India and its powers.

3. (1) With effect from such date as the Central Government may by notification in the Official Gazette, specify in this behalf, the Central Government shall establish for the purposes of this Act a Corporation to be known as the Crop Insurance Corporation of India.

(2) The Corporation shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

(3) The Corporation shall have power to enforce compulsory crop insurance in any area declared as "Crop Insurance Area" by a notification published in the Official Gazette.

Offices of the Corporation.

4. (1) The head office of the Corporation shall be at Hyderabad.

(2) The Corporation may, with the previous approval of the Central Government, establish offices or branches in India.

Capital of the Corporation.

5. (1) The original capital of the Corporation shall be such sum not exceeding five hundred crore of rupees as the Central Government may fix.

(2) The Central Government may, from time to time increase the capital of the Corporation to such extent and in such manner as that Government may determine.

Management of the Corporation.

6. (1) The general superintendence, direction and management of the affairs and business of the Corporation shall vest in a board of directors which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation under this Act.

(2) The board of directors, in discharging its functions, shall act on business principles having regard to the interests of the Corporation and shall be guided by such instructions on questions of policy as may be given in writing to it by the Central Government.

(3) If any doubt arises as to whether a question is or is not a question of policy, the decision of the Central Government thereon shall be final.

Constitution and powers of the Board of Directors.

7. (1) The Board of Directors of the Corporation shall consist of the following, namely:—

(a) a Chairman;

(b) four directors to represent respectively the Ministries/Departments of the Central Government dealing with:—

- (i) food,
- (ii) agriculture,
- (iii) irrigation,
- (iv) finance, and
- (v) co-operation;

(c) the Managing Director of the Life Insurance Corporation of India established under section of the Life Insurance Act, 1956, ex-officio;

(d) Controller of Insurance, Ministry of Finance;

(e) a Managing Director having, at least, five years experience of managing the affairs of one or more statutory corporation in the capacity of a managing director;

(f) three members of Parliament of whom two shall be members of the House of the People (Lok Sabha) and one shall be a member of the Council of States (Rajya Sabha) duly elected by the members of the House of the People and members of the Council of States, respectively;

(g) one person each nominated by the Government of the State in which the crop insurance is in operation;

(2) The Chairman and all the directors of the Corporation other than the directors referred to in clause (c), (f) and (g) of sub-section (1), shall be appointed by the Central Government.

(3) The Managing Director shall,—

(a) exercise such powers and perform such duties as the Board of Directors may entrust or delegate to him; and

(b) receive such salary and allowances as the Board of Directors may, with the approval of the Central Government fix:

Provided that the first Managing Director shall receive such salary and allowances as the Central Government may fix.

(4) The term of office of, and the manner of filling casual vacancies among, the Chairman and directors of the Board, other than the directors referred to in clauses (c), (f) and (g) of sub-section (1), and the other terms and conditions of their appointment shall, subject to the provisions of sub-section (3), be such as may be prescribed.

8. A person shall be disqualified for being appointed as, and for being, a Chairman or director of the Board—

Disqualification for office of director.

(a) if he is, or at any time has been adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or

(b) if he is of unsound mind and stands so declared by a competent court; or

(c) if he is or has been convicted of any offence which in the opinion of the Central Government involves moral turpitude; or

(d) if he has been removed or dismissed from service of the Government or a corporation owned or controlled by the Government.

9. (1) The Central Government may, at any time, after consultation with the Board, remove the Managing Director from the office after giving him a reasonable opportunity of showing cause against the proposed removal.

Removal and resignation of directors.

(2) The Board of Directors may remove any director from office who—

(a) is or has become subject to any of the disqualifications mentioned in section 8; or

(b) is absent, without leave of the Board of Directors from more than three consecutive meetings thereof without sufficient cause, in the opinion of the Board, to exonerate his absence.

(3) The Chairman or a director of the Board may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

Meetings of the
Board of
Directors.

10. (1) The Board of Directors of the Corporation shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Corporation under this Act.

(2) The Chairman of the Board or, if for any reason he is unable to attend any meeting, any other director elected by the directors present at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the directors present and voting, and in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

Constitution of
Advisory
Committees.

11. (1) The Central Government may, in consultation with the Board, by notification in the Official Gazette, constitute one or more Advisory Committees consisting of such persons and on such terms and conditions as may be prescribed.

(2) It shall be the duty of any such Advisory Committee to advise the Central Government or the Corporation in regard to any matter connected with the purposes of this Act in respect of which its advice is sought by the Central Government, or by the Corporation as the case may be.

(3) The expenses in relation to the Advisory Committees shall be met by the Corporation.

Secretary and
other officers
and employees
of Corporation.

12. (1) The Central Government shall, except in the case of initial constitution of the Board, after consultation with the Corporation, appoint a person to be the Secretary of the Corporation.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Corporation may appoint such other officers and employees as it considers necessary for the efficient performance of its functions.

(3) The methods of appointment the conditions of service and the scales of pay of the Secretary, officers and other employees of the Corporation shall—

(a) as respects the Secretary, be such as may be prescribed by the Central Government;

(b) as respects the officers and employees, be such as may be determined by regulations made by the Corporation under this Act.

CHAPTER III

CROP INSURANCE SCHEME

Crop Insurance
Scheme.

13. (1) The Central Government shall, as soon as after the commencement of this Act, formulate a scheme providing for compulsory insurance of crops planted for harvesting by farmers.

(2) The Scheme shall, *inter alia*, provide for the following namely:—

- (a) the terms and conditions of crop insurance;
- (b) the terms and conditions of multiple crop insurance, i.e., insurance of two or more agricultural commodities under one contract with the farmer;
- (c) the extent to which the insurance loss may be covered;
- (d) rate of premium to be paid by the farmers;
- (e) procedure for payment of claims for losses in agricultural commodities and the manner of payment;
- (f) adjustment and payment of claims for losses under the scheme in kind or in cash, in accordance with rules as may be prescribed under this Act:

Provided that indemnities may be determined on the same price basis as premiums are determined for the crop with respect to which such indemnities are paid.

(3) The Scheme made under sub-section (1) may be modified by the Corporation subject to the condition that any such modification shall come into force after it has received the approval of the Central Government.

14. It shall be the duty of the Corporation to administer the scheme.

Duty of the Corporation.

CHAPTER IV

FINANCE AND AUDIT

15. (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a fund called the Crop Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

Crop Insurance Fund.

(2) The Corporation may accept grants, donations and gifts from the Central or any State Government, local authority or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) Subject to the other provisions contained in this Act and to any rules or regulations made on this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other Bank as may be approved by the Central Government to the credit of an account called the Crop Insurance Fund account.

(4) Such account shall be operated by such officers as may be authorised by the Corporation.

16. Subject to the provisions of this Act and of any rules made by the Central Government in that behalf, the Crop Insurance Fund shall be expended only for the following purposes, namely:—

Purposes for which fund may be expended.

(i) payments against losses covered by crop insurance in accordance with the provisions of this Act or the scheme made thereunder and defraying the charges and costs in connection therewith;

(ii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this act.

(iii) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(iv) such other purposes connected with the affairs of the Corporation as may be prescribed.

Maintenance of
accounts of the
Corporation.

17. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Central Government.

Audit of
Accounts.

18. (1) The accounts of the Corporation shall be audited by auditors who are qualified as auditors of companies under the law for the time being in force relating to companies, and the auditors shall be appointed by the Corporation with the previous approval of the Central Government and shall receive such remunerations from the Corporation as the Central Government may fix.

(2) Every auditor in the performance of his duties shall have at all reasonable times access to the books, accounts and other documents of the Corporation and may for the purposes of the audit, call for such explanation and information as they may require or may examine any principal or other officer of the Corporation.

(3) The auditors shall submit their report together with an audited copy of the accounts of the Corporation and shall also forward a copy of such report to the Central Government.

Valuation of
assets and
liabilities.

19. The Corporation shall, at intervals of five years, cause an investigation to be made by the actuaries into the financial condition of its insurance business including the valuation of its assets and liabilities and submit the report of the actuaries to the Central Government.

Annual Report.

20. The Corporation shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form, as may be prescribed, a report giving an account of its activities during the previous financial year, and an account of the activities, if any, which are likely to be undertaken by the Corporation in the current and the immediately following financial year.

Laying of
reports before
Parliament.

21. The Central Government shall cause the report of the auditors under section 18, the report of the actuaries under section 19 and the report giving an account of the activities of the Corporation under section 20 to be laid before both Houses of Parliament, as soon as may be, after each such report is received by the Central Government.

CHAPTER V

MISCELLANEOUS

Power to extend
Insurance Act,
1938.

22. The Central Government may, by notification in the Official Gazette, direct that all or any of the provisions of the Insurance Act, 1938 shall apply to the Corporation, subject to such conditions and modifications as are not inconsistent with this Act.

Power of
Central
Government to
give directions.

23. The Central Government may give directions to a State Government as to the carrying into execution of any scheme of crop insurance in that State.

Indemnity of
Chairman and
Directors.

24. (1) The Chairman and every Director of the Board shall be indemnified by the Corporation against all losses and expenses incurred by him or in relation to, the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director of the Board shall not be responsible for the act of any other director or of any other officers or other employees of the Corporation, or for any loss or expenses resulting to the Corporation from the insufficiency or deficiency of value of or title to any property or security acquired or taken on behalf of the Corporation or the insolvency or wrongful act of any debtor or any person under obligation to the Corporation or anything done in good faith in the execution of the duties of his office or in relation thereto.

25. No suit or prosecution or other legal proceedings shall lie against the Chairman or any director of the Board or any employee of the Corporation for anything which is, in good faith, done or intended to be done in pursuance of this Act.

Protection of
action taken in
good faith.

26. Notwithstanding anything contained in any other law for time being in force, the Corporation shall be exempt from all taxation.

Exemption
from Taxation.

27. (1) Notwithstanding any other provision of law, no person shall be denied insurance under this Act solely on the ground that he has got acquired the age of majority if such person is over sixteen years of age.

Persons under
twenty-one
years of age.

(2) Any such person who is covered by the scheme shall be subject to the same legal liability and shall have the same legal rights under the scheme as any person who is a major.

28. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

Power to make
rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the term of office of and the manner of filling casual vacancies among, and the other terms and conditions of appointment of the directors of the Corporation;

(b) the composition of Advisory Committees and the terms and conditions of service of members thereof;

(c) the additional functions which the Corporation may perform;

(d) the remuneration of fees payable to the members of the Board of directors and the term of office of, and the manner of filling casual vacancies among, such members;

(e) the manner in which the Corporation may invest its funds;

(f) the form of the annual statement of accounts and the balance sheet to be prepared by the Corporation;

(g) any other matter which has to be or may be prescribed.

(3) Every rule made by the Central Government under this section, every scheme made under section 13 and any modification thereto shall be laid as soon as may be, after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. (1) The Corporation may, subject to the condition of previous publication and with the previous approval of the Central Government, by notification in the Gazette of India, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power of
Corporation to
make
regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the powers and functions of the Corporation which may be delegated to the zonal managers which may be appointed under the scheme;

(b) the method of recruitment of employees and agents of the Corporation and the terms and conditions of service of such employees or agents;

- (c) the manner in which the funds of the Corporation shall be maintained;
- (d) the conduct of business at meetings of the Corporation;
- (e) the formation of committees of the Corporation and the delegation of powers and functions of the Corporation to such committees and conduct of business at meetings of such committees;
- (f) the form and manner in which policies may be issued and contracts binding the Corporation may be executed;
- (g) the manner in which and the interval within which the accounts of the various zonal offices, divisional offices and branch offices may be inspected and their accounts audited;
- (h) the conditions subject to which any payment may be made by the Corporation;
- (i) the matter necessary for efficient conduct of the affairs of the Corporation.

STATEMENT OF OBJECTS AND REASONS

The Central and State Governments spend crores of rupees in rehabilitating the farmers affected by floods, drought and other natural calamities. This ultimately increases the burden on the tax-payer without generating sense of confidence and security among the farmers. Therefore, the importance of a compulsory system of comprehensive Crop Insurance as an essential element in various support measures adopted by the Government to improve the rural economy is increasingly recognised. The compulsory Crop Insurance Scheme would not only generate faith and confidence in the farmers in their effort to increase food and agricultural production but also reduce the burden on tax payers which increases due to funds being spent on relief measures. It is, therefore, necessary to provide for a compulsory Crop Insurance Scheme in the interest of overall economy of the country.

Hence this Bill.

C. RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the Crop Insurance Corporation of India. It has been provided in clause 5 that the original capital of the Crop Insurance Corporation shall be a sum not exceeding five hundred crores of rupees which has to be provided by the Central Government from time to time from the Consolidated Fund of India after due appropriation made by Parliament. Other expenditure which might have to be incurred in setting up of the Crop Insurance Corporation are not ascertainable at this stage.

The recurring expenditure of the Corporation will be met from the Fund of Corporation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 empowers the Central Government to formulate a scheme providing for compulsory insurance of crops grown by farmers for harvesting. Clause 28 empowers the Central Government to make rules to carry out the purposes of the Act. Clause 29 provides for making of regulations by the Corporation. These powers, delegated to the Central Government and the Corporation, relate to matters of details and are of normal character.

IV

BILL NO. XXXIII OF 1998

A Bill further to amend the Motor Vehicles Act, 1998.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Motor Vehicles (Amendment) Act, 1998.

Insertion of
new section
186A in Act 59
of 1988.

2. After section 186 of the Motor Vehicles Act, 1988, the following section shall be inserted, namely:—

“186.A. Whoever, while driving, is using a mobile phone shall be punishable for the first offence with imprisonment for a term which may extend to two months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both.

STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act prescribed many regulations/restrictions for driving motor vehicles on road. Even after prescribing so many regulations/restrictions, there is no reduction in the number of accidents on the roads. Although there are scores of reasons for these accidents, of late the use of mobile phone is becoming one such reason which is contributing to the number of accidents on roads.

The use of mobile phone while driving is very dangerous as the person using his phone with one hand is sometime so much involved in his conversation that he does not concentrate on driving. The things become worse if amidst of talks he receives a shocking news which is serious enough to upset his balance leading to a fatal accident.

Accordingly, there is an urgent need to prohibit use of mobile phone while driving and punish the persons doing it.

The Bill seeks to achieve the above objective.

SAROJ KHAPARDE.

V

BILL No. XXXV OF 1998

A Bill to provide for the prohibition of production, sale and distribution of paan masala and other tobacco products such as gutkha, kimam, zafrani patti, zarda, khaini or any such product in which raw tobacco is the main ingredient and which is directly consumed by the users with a view to protecting the health of the general public from dreaded cancer, lung ailments, heart diseases and other diseases caused by tobacco and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title
extent and
commence-
ment.

1. (1) This Act may be called the Paan Masala and other Tobacco Products (Prohibition of Production, Sale and Distribution) Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "label" means a display of written, marked, stamped, printed or graphic matter affixed to or appearing upon the wrapper or satchel of paan masala and other tobacco products;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "tobacco product" includes gutkha, snuff, kimam, zafrani patti, zarda, khaini and eatable raw tobacco or any such product in which raw tobacco is used as the main or supplementary ingredient.

3. (1) The production of paan masala and other tobacco products is hereby prohibited.

Prohibition of production of paan masala and other tobacco products.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. (1) No person shall supply, distribute or keep for sale any paan masala or tobacco product or any such other product for which such person has reason to believe that the product kept by him for sale contains raw tobacco which may adversely affect the health of its end user.

Prohibition of sale and distribution of paan masala and tobacco products.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

5. (1) Notwithstanding anything in this Act, if any paan masala is produced without the use of raw tobacco in it the label of such paan masala shall indicate in a clear and conspicuous manner the ingredients used there in and in such a case the provisions of this Act shall not apply to such paan masala.

Label to display the ingredients of products.

(2) The label of paan masala referred to in sub-section (1) shall indicate in clear and conspicuous manner the name and address of its manufacturer.

6. Notwithstanding anything contained in any other law for the time being in force, the food inspectors of the appropriate Government shall administer the provisions of this Act in such manner and exercise such powers as may be prescribed from time to time.

Appropriate Government to administer the provisions of the Act.

7. Whoever contravenes the provisions of section 3 or 4 shall be punishable with imprisonment which may extend to five years and also with fine which may extend to fifty thousand rupees.

Penalties.

8. Where a person committing an offence under this Act is a company or any other body corporate or an association of persons, whether incorporated or not, every Director, Manager, Secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Offence by companies.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non bailable.

Offences to be cognizable and non-bailable.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Over-riding effect of the Act.

11. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Tobacco is consumed for smoking the world over but in our country raw tobacco is consumed in paan, khaini, surti, zarda etc. in a big way. Now the market has been invaded by paan masala or gutkha which largely contains raw tobacco and it has become a fashion to consume it and in fact it has become a status symbol for the people consuming it. Scientifically it has been proved that tobacco is very dangerous to health and raw tobacco is the main cause of mouth, food pipe and other types of cancer and thousands of people lose their lives due to cancer alone in our country. It also causes other dangerous ailments.

Despite the evil consequences and ill effects, the manufacturers of these products are earning billions by selling these dangerous products in the market. The manufacturers are spending crores of rupees on the advertisements of these products alone which are luring the people particularly the youth to consume these products which leads them to ultimate horrifying painful death. Similarly it has also been noticed that the paan masala, gutkha etc. are treated and blended with addictive and psychotropic drugs resulting in addiction to these products which finally proves fatal.

It has, therefore, become necessary to prohibit the production, sale and distribution of paan masala and other tobacco products in the larger public interest so that it will have deterrent effect on the manufacturers of these products and our country may become a tobacco free country.

Hence this Bill.

SANTOSH BAGRODIA.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Act will be administered by the appropriate Government through its Food Inspectors. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is expected that a sum of five lakh rupees may involve as recurring expenditure per annum.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. The rules will relate to matters of details only.

The delegation of legislative power is therefore of normal character.

VI

Bill No. XXXVII of 1998

A Bill further to amend the Banaras Hindu University Act, 1915, the Aligarh Muslim University, Act, 1920 and the Jamia Millia Islamia Act, 1988.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Central Universities (Amendment) Act, 1998.

16 of 1915.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commence-
ment.

CHAPTER II

AMENDMENTS TO THE BANARAS HINDU UNIVERSITY ACT, 1915

2. In the Banaras Hindu University Act, 1915 (hereinafter referred to as the Hindu Act), in the long title, the word "Hindu" shall be omitted.

Amendment of
long title.

3. In the preamble of the Hindu Act, for the words "residential Hindu University", the words "residential University" shall be substituted.

Amendment of
the preamble.

- Amendment of section 1. 4. In section 1 of the Hindu Act, in sub-section (1), the word "Hindu" shall be omitted.
- Amendment of sections 2 and 3. 5. In sections 2 and 3 of the Hindu Act, for the words "Banaras Hindu University" wherever they occur, the words "Banaras University" shall be substituted.
- Amendment of section 4A. 6. In section 4A of the Hindu Act, in sub-section (2), the word "religion" shall be omitted.
- Amendment of the schedule. 7. In the schedule of the Hindu Act, for the words "Banaras Hindu University" wherever they occur, the words "Banaras University" shall be substituted.

CHAPTER III

AMENDMENTS TO THE ALIGARH MUSLIM UNIVERSITY, ACT 1920

- Amendment of the long title. 8. In the Aligarh Muslim University Act, 1920 (hereinafter referred to as the Muslim Act), in the long title, the word "Muslim" shall be omitted. 40 of 1920.
- Amendment of the preamble. 9. In the preamble of the Muslim Act, for the words "residential Muslim University", the words "residential University" shall be substituted.
- Amendment of section 1. 10. In section 1 of the Muslim Act, in sub-section (1), the word "Muslim" shall be omitted.
- Amendment of sections 2 and 3. 11. In sections 2 and 3 of the Muslim Act, for the words "Aligarh Muslim University" wherever they occur, the words "Aligarh University" shall be substituted.
- Amendment of section 5. 12. In section 5 of the Muslim Act,—
 (a) for sub-section (2), the following sub-section shall be substituted, namely:—
 (2) (a) to promote Oriental studies; and
 (b) to promote the study of civilization and culture of India.
 (b) for sub-section (9A) the following sub-section shall be substituted, namely:—
 (9A) to establish within a radius of twenty five kilometres of the University premises such Special Centres, Specialized Laboratories and other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

CHAPTER IV

AMENDMENTS TO JAMIA MILLIA ISLAMIA ACT, 1988

- Amendment of section 1. 13. In section 1 of the Jamia Millia Islamia Act, 1988 (hereinafter referred to as the Islamia Act), in sub-section (1), the word "Islamia" shall be omitted. 58 of 1988.
- Amendment of section 3. 14. In section 3 of the Islamia Act, for the words "Jamia Millia Islamia" wherever they occur, the words "Jamia Millia" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Secularism is one of the pillars of the polity of independent India and yet we have Central Universities with religious nomenclatures and objectives. The Banaras Hindu University, the Aligarh Muslim University, the Jamia Millia Islamia University are some of the Central Universities and the religious nomenclatures 'Hindu', 'Muslim' and 'Islamia' existing in the names of the respective Universities are, to say the least, anachronism in the context of a 'Secular' India and the constitution of India as suitably amended.

These religious nomenclatures in the title of the Universities are not merely part of name, as some would argue, what is there in a name. The fact is that these names and titles go deep into the psyche of the pupil, not merely of students but also that of the teachers and others concerned, even the people in general. It may be noted that it is more so in relation to the so-called 'Minority' Institutions. The result is, frequent communal violence particularly in Aligarh 'Muslim' University and Jamia Millia 'Islamia' University, say half a dozen times every year in the former and equally so in the later 'Varsity'. The vice-chancellor of the Jamia Millia University was the subject of controversy, why because he did not agree with the fundamentalist view that 'The Satanic Verses' authored by an Indian in exile constituted an attack on the Prophet and the Vice Chancellor could not attend his office for years together. So much so, that the Students belonging to other religious communities did not feel secure in seeking admission and studying in these Universities.

It would, therefore, be proper to shed the religious nomenclatures from the title of the respective Universities and to amend and modify their objectives to free them from religious and fundamentalist leanings. The respective Acts of Parliament constituting the aforesaid Central Universities need therefore be suitably amended.

Hence this Bill.

VEENA VERMA.

VII

BILL NO. XXXIX OF 1998

A Bill to provide for the regulation of the prices charged for newspapers in relation to their pages for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-Ninth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Newspapers (Price and Page) Act, 1998.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “daily newspaper” means a newspaper which is published on not less than six days in a week and includes any supplement or special edition of such newspaper;

(b) ‘newspaper’ means any printed periodical work containing public news or comments on public news appearing at intervals of not more than a week.

Power to
regulate prices
and pages of
newspapers etc.

3. (1) If the Central Government is of opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and in particular, newspapers with smaller resources and those published in Indian languages may have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government may, from time to time, by notification in the Official Gazette, make an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters therein.

(2) An order under sub-section (1)

(a) may be made in relation to newspapers in general or in relation to any class of newspapers;

(b) may contain different provisions for daily newspapers appearing at other periodical intervals and for different 15 classes of newspapers, and may, in particular, make separate provisions for weekly editions of daily newspapers whether appearing under the same title or not, and also for supplements or special editions of newspapers issued on special occasions;

(c) shall be made relatable to such period of time as the Central Government may deem reasonable;

(d) may provide for incidental or supplementary matters.

(3) An order under sub-section (1) shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers.

(4) Before making any order under sub-section (1), the Central Government shall consult association of publishers, and such publishers likely to be affected by the order as it may think fit with respect to the action proposed to be taken.

4. No newspaper shall be published or sold in the territories to which this Act extends in contravention of any of the provisions of an order made under section 3.

Prohibition of publication and sale of newspapers in contravention of order under section 3.

5. For the purpose of verifying whether an order made under section 3 is being complied with or not, the Press Registrar appointed under the Press and Registration of Books Act, 1867, may, from time to time, direct the publisher of any newspaper to which such an order applies to furnish to him such weekly returns and statistics with respect to any of the particulars referred to in section 3 as the Press Registrar may, from time to time, require and the publisher of every newspaper shall comply with such direction.

Returns to be furnished by newspapers.

6. (1) If any newspaper is published or sold in contravention of section 4, the publisher of the newspaper shall, on first conviction, be punishable with fine which may extend to five thousand rupees and on second or subsequent conviction, with fine which may extend to ten thousand rupees.

Penalties.

(2) If the publisher of any newspaper—

(a) refuses or neglects to comply with any direction of the Press Registrar given under section 5; or

(b) furnishes or causes to be furnished to the Press Registrar any weekly returns or statistics which he has reasons to believe to be false,

he shall be punishable with fine which may extend to ten thousand rupees.

7. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing by the Press Registrar appointed under the Press and Registration of Books Act, 1867 or by any officer authorised by him in writing in this behalf.

Cognizance of offences.

STATEMENT OF OBJECTS AND REASONS

During the last few years there has been increase in the monopoly Press resulting in unfair competition which is severely affecting small newspapers. The rise of the monopoly Press has substantially curbed the freedom of expression of small newspapers. It is therefore necessary to prevent unfair competition among newspapers. The Bill seeks to regulate prices charged for newspapers in relation to their pages. Similar enactment was struck down by the Supreme Court in *Sakal Papers Private Limited versus Union of India* (AIR 1962 Supreme Court p. 305). The Supreme Court has since then changed its view with regard to various provisions of the Constitution on the basis of which earlier legislation was struck down. This Bill will satisfy the long standing demand of small newspapers. It also seeks to implement the recommendation of the First Press Commission. The Bill seeks to achieve this objective.

V. N. GADGIL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of clause 3 of the Bill provides for making order in relation to various categories of newspapers. The orders will relate to matters of details only.

The delegation of legislative power is of normal character.

VIII

BILL No. XLI OF 1998

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1998.
- (2) It shall come into force at once.

Amendment of
article 348.

2. In article 348 of the constitution:—

(i) for clause (1) the following clause shall be substituted, namely:—

(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in every High Court shall be in the English and Hindi languages; and

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments there to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the legislature of a State and of all Ordinances promulgated by the President or the Governor of a State; and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the legislature of a State,

Shall be in the English or Hindi or in the regional language of the concerned State.

(ii) In clause (2) the proviso shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Our country has diversity of cultures and languages. At present 18 languages have been recognised by the Constitution in its Eighth Schedule. Out of these languages Hindi has been declared as the official language of the Union by article 343 of the Constitution and Hindi deserves to be the sole official language of the country because majority of the people can read, write and understand Hindi throughout the country though it is opposed in some pockets of the country, that too for political reasons only. Though Hindi has been declared as the official language in the country by the Constitution in unequivocal terms the apex court of the country is still transacting its entire business in English language only under the provisions of the article 348 of the Constitution despite the fact that hardly two percent of our population can understand English. The same is the case in most of the High Courts in the country. The common masses who are litigants in these Courts do not know the proceedings of these Courts and are unable to understand the arguments being put forward by their lawyers in their favour and remain at the mercy of their lawyers. It will, therefore, be in the interest of common masses of the country if in all the proceedings in the Supreme Court and in the High Courts and for the text of Bills, Acts, Orders, Regulations and Ordinances Hindi language is also used in addition to the English and other regional languages recognised by the Eighth Schedule to the Constitution.

Hence this Bill.

SURESH PACHOURI.

IX

BILL No. XLII OF 1998

A Bill to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Forty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1998.

Short title and
Commence-
ment.

(2) It shall come into force at once.

69 of 1971.

2. In the Prevention of Insults to National Honour Act, 1971, existing sections 2 and 3 shall be renumbered as sections 3 and 4 thereof and before section 3 as so renumbered the following section shall be inserted, namely:—

Insertion of new
section 2.

“2. (1) The singing of National Anthem shall be compulsory at all public functions and in all educational institutions before the teaching starts therein.

Compulsory
singing of
National
Anthem at
public functions
and educational
institutions.

(2) If any educational institution fails to comply with the provisions of sub-section (1) the financial assistance by Government to such an institution shall be stopped and its recognition or affiliation shall also be withdrawn by Government.

STATEMENT OF OBJECTS AND REASONS

In the recent past while deciding a civil suit of an educational institution of Kerala the Supreme Court of India observed that there is no provision of law which obliges any one to sing the National Anthem and it is not a case of disrespect to National Anthem if a person who stands up respectfully when the National Anthem is being sung but does not join in the singing. The Court has further observed that article 51A of the Constitution enjoins a duty on every citizen of India to abide by the Constitution and respect its ideals and institutions, the national flag and the National Anthem and proper respect is shown to the National Anthem by standing up when it is sung.

This judgment of the Supreme Court has necessitated the enactment of a law to make singing of National Anthem compulsory particularly in educational institutions and public functions because every citizen of this great country whatever may be his religious belief should participate in singing of the National Anthem which is the pride of the nation. It will not be sufficient merely to stand up without causing any disturbance when the National Anthem is being sung. It is the duty of everyone to sing the National Anthem which will help in fostering national integration and also in developing the feeling of patriotism among the citizens and particularly among the school children. Therefore, it has been provided in this Bill to make the singing of National Anthem compulsory at all the public functions and educational institutions in the country.

SURESH PACHOURI.

X

BILL NO. XLIII OF 1998

A Bill to provide for the promotion of secularism in the country by giving freedom to profess and practise any religion, prohibiting the State from interfering in religious matters, prohibiting official religious functions and for protecting secularism by banning the communal political parties and organisations and providing deterrent punishment for demolition and desecration of religious places in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion and Protection of Secularism Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

(a) “religion” means the particular system of faith and worship which a person follows or professes;

(b) “secularism” means treating of all religions at par and non-discrimination by the State among its citizens on the basis of religion;

Short title, extent and Commencement.

Definitions.

(c) "State" includes the Union Government, Parliament of India and the Government and the Legislature of each of the States and Union Territories and all the local authorities or Public Sector Undertakings within the territory of India or under the control of the Government of India or the Government of a State;

(d) words and expressions used but not defined in this Act and defined in the Indian Penal Code, 1860 and the Representation of the People Act, 1951 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.

43 of 1951.

State not to be a party in religious matters.

3. (1) The State shall not be a party to and shall not interfere with the religion of any of its citizens, who shall have the freedom of conscience, and to profess, practise and propagate any religion, faith or form of worship.

(2) The State shall promote and protect the ideals of secularism in the country.

State of protect places of worship.

4. The State shall protect all ancient and other authorised places of worship from begin damaged or demolished in any manner whatsoever:

Provided that in case of a dispute between two or more religious communities over any place of worship the State shall refer the issue to the concerned High Court or Supreme Court, as the case may be, for adjudication whose decision in the matter shall be final and binding on the concerned parties.

State not to permit official religious functions.

5. The State shall not permit any kind of religious worship, rite, ritual, ceremony or use of any religious symbol at any State function or an official occasion or in any public premises.

State not to allow religious procession.

6. The State shall not allow any kind of religious procession to be taken out in any part of the country notwithstanding any religious tradition or festival, prevalent in any of the religions or communities.

State not to give coverage to religious celebrations through official media.

7. The State shall not telecast or broadcast through television network or radio, as the case may be, wholly or partly controlled by the State, anything about any religious celebrations.

State not to incur expenditure on visits by public functionaries and public servants to religious places or shrines.

8. The State shall not incur any expenditure on the visits of Ministers or other public functionaries or public servants to religious shrines or places of pilgrimage except in the course of public duty.

Banning and derecognition of communal political parties.

9. Notwithstanding anything contained in any other law for the time being in force, all political parties based on religion or whose main election plank is based on arousing religious sentiments or sectional appeal are hereby banned and all such political parties notwithstanding having elected representatives in Parliament or State Legislatures shall stand derecognised from the date of coming into force of this Act.

Penalty for demolition of religious place.

10. Notwithstanding anything contained in the Indian Penal Code, 1860 any person who, without the authority of doing so; demolishes any place of worship shall be punished with death.

45 of 1860.

Act to have overriding effect.

11. The provisions of this Act shall have effect notwithstanding anything in consistent therewith contained in any other law for the time being in force.

Power to make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The people of this great country have solemnly resolved and given to themselves a sovereign, socialist, secular, democratic republic through the preamble of the Constitution of India which came into force on the 26th January, 1950 to guide the destiny of our nation. The founding fathers of our Constitution who were eminent celebrities, after a marathon debate had chosen the path of secularism despite the fact that majority of the people in the country were Hindus at that time. The path of secularism opted by our country raised its status in the fraternity of democracies in the world and India emerged as the biggest secular democracy in the world.

However, of late, some communal fundamentalist political parties and organisations have started such activities which may kill the secular image of the country which in turn may ultimately kill the democracy itself in this country. The demolition of controversial Babri Masjid in Ayodhya on the 6th of December, 1992 is the first step in this direction which saw the worst kind of communal frenzy in the country killing and wounding thousands of innocent citizens. The hapless women were gangraped in full public view and limbs of children were chopped off in the most barbaric manner. The communal violence in the country demonstrated the worst kind of inhuman actions for which no words are strong enough to denounce them. The actions showed the extent to which religious passions can lead the masses. The country was on the verge of a civil war which was, however, avoided due to the timely actions of the Government and saner elements working in the society.

The aftermath of Ayodhya incidents has made secularism more important for our country. If we have to progress in the present competitive era, save the country from certain doom through a civil war between different religious communities, preserve our heritage of tolerance and brotherhood we have to promote secularism by all means. For this, the State has to wash its hands off from all religious matters. It has to protect all religious places. It should not permit official religious functions, not allow religious processions, not give coverage to religious celebrations and ban and derecognise all communal political parties in the country. The State has to convey the message throughout the country that secularism is the only way for our survival otherwise disintegration of this great nation is certain.

This Bill seeks to achieve the above objects.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XI

BILL No. XXXIV OF 1998

A Bill to provide for the special financial package of the Central Government for the overall development of the coastal areas which are cyclone prone and frequently devastated by such cyclones and for the adequate and timely financial relief to the people of such areas for the damage caused to crops, property, loss of human lives and that of livestock due to cyclones and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cyclone Prone Coastal Areas (Special Financial Package for Development and Miscellaneous Provisions) Act, 1998.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Crop" includes all types of cereals, vegetables, pulses, tobacco, coconut, plantations, cashew, cardamom, black pepper, coffee plantations, orchards and fruits grown in coastal areas;

(c) "prescribed" means prescribed by rules made under this Act.

Central Government to formulate financial package for overall development of coastal areas.

3. (1) The Central Government shall, as soon as may be, formulate a financial package, after due appropriation made by Parliament in that behalf by law, for the overall development of coastal areas of the country which are frequently devastated by cyclone.

(2) The financial package referred to in sub-section (1) shall cover—

(a) preparation of a coastal atlas of the country;

(b) effective corrosion control measures for the coastline which is vulnerable to sea erosion and tidal overflows;

(c) installation of scientific warning signals at appropriate places of the coastline to forecast the cyclone;

(d) construction of safe shelters for the people of coastline to take refuge in case of cyclone; and

(e) rehabilitation package for the people affected by cyclone.

Relief in case of death.

4. Notwithstanding anything contained in any other law for the time being in force, if any person of the coastal area dies as a result of cyclone, the appropriate Government shall, on an application made in the prescribed form, by his surviving dependents, pay adequate financial relief to such dependent or dependents, as the case may be, which shall not be less than one lakh rupees.

Relief for damage to crops.

5. Every citizen of the coastal area whose crops are damaged by cyclone shall, on an application made in the prescribed form, be given adequate financial relief by the appropriate Government in proportion to the loss of crops suffered by such citizen.

Provision of shelter.

6. The appropriate Government shall provide a dwelling unit to every family of the coastal area whose house and property are destroyed by cyclone either at the same place or at any other appropriate place.

Relief for loss of livestock.

7. Every citizen, of the coastal area who loses his livestock due to cyclone shall, on an application made in the prescribed form, be given adequate financial relief by the appropriate Government for purchasing livestock.

Provision of job for the kin of the killed.

8. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall provide a suitable job to one of the eligible dependents of every cyclone victim who loses his life in such cyclone in such manner as may be prescribed.

Commissioner for settlement of claims.

9. The appropriate Government shall appoint a Commissioner from amongst its officers with such other staff as may be necessary for settling the claims of the cyclone victims under this Act, in such manner as may be prescribed.

Central Government to provide funds to State Governments for implementation of the Act.

10. The Central Government shall make available adequate funds to the maritime State so as to enable them to implement the provisions of this Act.

Act to supplement other laws.

11. The provision of the Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt by this Act.

Power to make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country has a coastline of approximately 5700 kms. spread over nine maritime States including Andhra Pradesh and the Union Territory of Pondicherry. These coastal areas particularly of Andhra Pradesh, Tamil Nadu, Orissa, Gujarat etc. are frequently invaded by cyclones which have devastating effects. Apart from loss of human lives, these cyclones damage the standing crops, dwelling units be they huts or *pucca* houses and kill the livestock thereby causing extensive losses to the people of the coastal areas. Similarly a large portion of this coastline is vulnerable to sea erosion and tidal overflows and only a portion thereof has been protected.

Many a times it has been observed that casualties occur because people are not forewarned of the impending cyclone. Though the cyclones are forecast through radio and TV but it does not reach the poor people residing along the coastline. Generally fishermen fall prey to cyclones because they do not get prior warning. Hence scientific instruments to forewarn the people about cyclone are necessary in such areas. At the same time when cyclones do occur and devastation is caused, immediate relief and rehabilitation measures need to be taken by Central and State Governments for the affected people.

Though the Coastal Protection and Development Advisory Committee (CPDAC) is functional for the coastal areas but financial shortage is hampering its work. The Central Government had extended financial assistance to maritime States in the past only to be withdrawn in 1991.

At present relief is provided to the affected areas through the concerned State Governments from the Natural Calamity Fund but there always remains a big gap between the demands of the State and the relief provided by the State Government. The State Government facing the brunt of cyclone to try to mitigate the sufferings of the affected people but due to financial constraints, they are not able to provide the desired relief to the affected people. Hence, it is the duty of the Central Government to provide adequate finances to the State Governments for the purpose. In fact a Central package has become necessary for the overall development of coastal areas of the country.

Hence this Bill.

SOLIPETA RAMACHANDRA REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a financial package for the overall development of coastal areas. Clause 4 provides for relief in case of death. Clause 5 provides for relief for damage to crops. Clause 6 makes provision for shelter. Clause 7 provide for financial relief for purchasing livestock. The Bill, if enacted and brought into force, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of one thousand crore rupees may involve every year.

A non-recurring expenditure of five hundred crore rupees may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for the purposes of the Bill which will relate to matters of details only.

The delegation of legislative power is of normal character.

R. C. TRIPATHI,
Secretary-General.

